

West Texas, you are being smothered with heat and the political atmosphere in Austin.

Referring again to the narcotic matter which I mentioned in my wire and about which you ask now, I would say this: The narcotic vendor is usually a desperate man, generally a narcotic user, and does not hesitate to kill, if necessary. He is a menace all along the border, especially at large places like El Paso, and they smuggle their stuff very easily because it is in such small packages, and then distribute it all over the United States.

What I would like to see is a law—and I hope you can get it passed—providing that when a narcotic vendor is arrested and found with deadly weapons on him and is then convicted, the penalty will be much severer than if he did not have the weapons. We have had one of our best policemen killed by a narcotic fiend recently, and another is now just recovering from fearful wounds from a narcotic fiend. The penalty for conviction for sale of narcotics is not sufficiently strong when the man is found with deadly weapons. The reason I wired you about it was because I saw that such a bill was in the proposed list of bills. I am inclined to think that if some of my friends on the floor of the Senate would draw up a bill referring exclusively to narcotics, there would be no trouble about its passing, because no honest man can oppose it, and make the "punishment fit the crime." The whole border of the State needs the law. There is no question but what bootleggers can be men who don't drink, but a narcotic vender is most always a man who uses narcotics, or rather, I should say, the man who gets them across the border and sells them.

I believe the good lawyers of the Senate could draw up such a bill as I have indicated, and if they will do so I would appreciate it very much, and I wish I could sign my name with them on the bill.

With best wishes to all my good friends in the Senate and yourself, I remain,

Yours very truly,

R. M. DUDLEY.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, May 23, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Burkett.	Thomas.
Davis.	Wirtz.
Murphy.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Excused.

Senator Wirtz for today, on account of important business, on motion of Senator Bailey.

Senator Thomas for today, on account of important business, on motion of Senator Strong.

Senator Davis for today, on account of important business, on motion of Senator Ridgeway.

Senators Burkett and Murphy for today, on account of important business, on motion of Senator Pollard.

Senators Lewis, Rice, Murphy and Baugh for last Monday, on account of important business, on motion of Senator McMillin.

Bill on First Reading.

The following bill, introduced today, was read first time and referred to appropriate committee as follows:

By Senator Clark:
S. B. No. 14, A bill to be entitled
"An Act levying an occupation tax
on physicians, surgeons, medical doc-
tors, lawyers, attorneys, dentists,
civil engineers, consulting engineers,
architects, bacteriologists, nurses,
and other specialists and those en-
gaged in other professions in this
State; exempting judges of courts
and State, county and city em-
ployees of governmental subdivisions
or agencies; amending Article 7355,
Revised Civil Statutes, and declaring
an emergency."

To the Committee on Finance.

Simple Resolution No. 9.

By Senator Darwin:
We move that Miss Margaret Hill
and Miss Lucile Phelps be paid \$6.50
per day.

Darwin, Doyle, Holbrook, Strong,
Watts, Parr, Pollard, Ridgeway,
Bowers.

The resolution was read.

Senator Bailey offered the follow-
ing amendment to the resolution:

Amend the resolution by adding
the name of James A. Kinney, As-
sistant Sergeant-at-Arms.

The amendment was adopted.

Senator Watts offered the follow-
ing amendment to the resolution:

Amend Simple Resolution No. 9
by adding Mrs. Josephine Collins,
Assistant Journal Clerk.

The amendment was adopted.

Senator Baugh moved to table the
resolution, as amended.

Yeas and nays were demanded,
and the motion to table prevailed
by the following vote:

Yeas—13.

Baugh.	Rice.
Bledsoe.	Rogers.
Clark.	Stuart.
Doyle.	Turner.
Fairchild.	Witt.
Floyd.	Woods.
McMillin.	

Nays—11.

Bailey.	Pollard.
Bowers.	Ridgeway.
Darwin.	Strong.
Holbrook.	Watts.
Lewis.	Wood.
Parr.	

Present—Not Voting.

Cousins.

Absent—Excused.

Burkett.
Davis.
Murphy.

Thomas.
Wirtz.

S. C. R. No. 3—Committee Ap- pointed.

The Chair announced the appoint-
ment of the following on the part of
the Senate under the provisions of
S. C. R. No. 3:

Senators Wood, Davis, Darwin,
Clark and Ridgeway.

S. C. R. No. 5.

By Senator Pollard:

Whereas, The application made by
the St. Louis, San Francisco Rail-
way Company to the Interstate Com-
merce Commission for authority to
purchase the stock of the Interna-
tional-Great Northern Railroad Com-
pany has been denied; and

Whereas, It is the opinion of the
Legislature that the public interests
would be served by the granting of
said application and that same would
result in great benefit to the people
of Texas, and the whole Southwest;
and

Whereas, The Texas Legislature
and the Texas people and the inter-
ests of the whole Southwest think
and believe this merger should be
allowed from a public standpoint as
well as from the standpoint of the
railroad affected; therefore, be it

Resolved, By the Legislature of
the State of Texas, that the Inter-
state Commerce Commission be and
it is hereby requested to reconsider
and grant said application and to
authorize the said St. Louis, San
Francisco Railway Company to pur-
chase the stock of the International-
Great Northern Railroad Company,
and we respectfully request that the
Interstate Commerce Commission re-
consider and allow this merger and
consolidation.

Pollard, Darwin, Bowers, Rogers,
Strong, Floyd, Watts, Doyle, Witt,
Bledsoe, Wood, Parr, Stuart, Baugh,
Ridgeway, Rice, Fairchild, McMillin.

The resolution was read, and on motion of Senator Holbrook was laid on the table subject to call.

Recess.

On motion of Senator Woods, the Senate at 10:40 a. m. recessed until 3 p. m. today.

Afternoon Session.

The Senate met at 3 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. C. R. No. 5.

Senator Pollard called from the table S. C. R. No. 5, relating to consolidation of I. & G. N. and Frisco Railways, which was read this morning and laid on the table subject to call.

The Chair laid the resolution before the Senate, and it was adopted.

S. C. R. No. 6.

By Senator Stuart:

Whereas, At the Regular Session of the Thirty-eighth Legislature a tax measure was passed, placing a tax of 1c per gallon upon gasoline sold in the State of Texas; and

Whereas, It was the intention of the Legislature to place a 1c per gallon tax upon all gasoline consumed in the State of Texas; and

Whereas, Under the ruling of the Attorney General's Department the Regular Session of the Thirty-eighth Legislature placed a tax upon gasoline every time that it sold within the State of Texas, thereby requiring under the construction of the Legislature the Comptroller's Department to collect the tax in some instances as many as five times upon the same gasoline, in spite of the fact that the Legislature intended to place only one tax upon same; and

Whereas, The intention of the Legislature has been fully demonstrated in this matter by the fact that this law was amended at the Second Called Session of the Thirty-eighth Legislature, so as to carry

out the intention of the Legislature in passing the gasoline tax law at the Regular Session of the Thirty-eighth Legislature; and

Whereas, Great confusion has been caused to the gasoline tax payers, to the Comptrollers' Department and to the public in general; and

Whereas, Numerous suits would be necessary in order to collect the tax under the construction of the Attorney General's Department more than 1c upon the gasoline consumed in the State of Texas; therefore, be it

Resolved, By the Senate of Texas, the House joining and concurring, of the Thirty-eighth Legislature that it was the intention of the Thirty-eighth Legislature in passing said gasoline tax law that only one tax should be collected upon the gasoline consumed in the State of Texas, and that it was the intention to place said tax upon all gasoline sold for consumption in the State of Texas; therefore, be it

Resolved, That the Senate of Texas, the House joining and concurring, in the Second Called Session of the Thirty-eighth Legislature, that the Comptroller of the State of Texas be requested and instructed to collect the gasoline tax that was passed by the Regular Session of the Thirty-eighth Legislature so as to collect only one tax upon the gasoline consumed in the State of Texas from the period that the law passed in the Regular Session of the Thirty-eighth Legislature takes effect until the amendment thereto passed by the Second Called Session of the Thirty-eighth Legislature takes effect, and that said collection be made in accordance with the amendment passed at the Second Called Session of the Thirty-eighth Legislature.

The resolution was read and adopted.

H. C. R. No. 4.

The Chair laid before the Senate H. C. R. No. 4 as follows:

Whereas, In the year 1918 the Legislature of the State of Texas did by appropriate Act authorize a loan of approximately four hundred thousand (\$400,000.00) dollars for certain drought stricken counties of this State; and

Whereas, There is at this time owing to the State of Texas approximate-

ly one hundred ninety-three thousand one hundred thirty-six (\$193,136.00) dollars on this loan by twenty counties of the State; and

Whereas, Said counties have recovered financially; therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, that the Attorney General of this State be instructed to take such action, legal or otherwise, as may be necessary and proper to collect this money for the State.

The resolution was read, and on motion of Senator Bledsoe, it was referred to the Committee on State Affairs.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted S. C. R. No. 3, and the following have been appointed on the part of the House: Quaid, Satterwhite, Wallace, Dinkle and Bell.

The House has concurred in Senate amendment to H. C. R. No. 3.

The House has adopted an amendment striking out the enacting clause of

H. B. No. 27, A bill to be entitled "An Act to empower municipal corporations or county commissioners courts licensing and regulating public indoor recreation places; providing for issuing of license by the State Comptroller; providing for payment of license tax according to basis of population and for distribution of revenue derived therefrom; limiting license to adult citizens of the United States and requiring certificate of good moral character; providing for revocation of license; compelling operators, managers or proprietors to conform to regulations and fixing penalties for violations; prohibiting minors and vagrants from loitering in such places; prohibiting gambling in any form, profane language, or obscene pictures in such places; prohibiting blinds and other obstructions; regulating hours of opening and closing; exempting fraternal, benevolent, educational, religious or charitable organizations; authorizing

suit on bond for violations, and declaring an emergency."

The House indefinitely postponed, H. B. No. 20, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing gas in this State by taking same from the earth; defining the words 'person,' 'market value' and 'gas'; levying such tax against those engaged in such production; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with this Act; requiring reports to be made and requiring said tax to be paid within a certain time; making necessary provisions for carrying into effect and accomplishing its purpose; amending Article 7383, Chapter 2, Title 126, of the Revised Civil Statutes of 1911, as amended, and declaring an emergency."

The House has adopted H. C. R. No. 4, relating to collecting unpaid moneys loaned by the State to drouth stricken districts.

The House has postponed indefinitely

H. B. No. 26, A bill to be entitled "An Act amending Article 7355 of the Revised Civil Statutes of the State of Texas, 1911, by adding thereto after Section 13 of a new section to be known as Section 13a, imposing an occupation tax upon regularly established and recognized opera houses, theaters, airdomes, and places where moving picture exhibitions are given for private profit, the amount of tax to be determined according to the number of inhabitants of cities and towns in the State of Texas; providing that counties, cities and towns shall each have power and authority to collect a tax equal to one-half the amount of the State tax, and declaring an emergency."

Respectfully submitted,

O. P. BASFORD,
Acting Chief Clerk, House of Representatives.

Adjournment.

On motion of Senator Wood, the Senate at 3:30 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.**Petitions and Memorials.**

Senator Floyd offered and had read a telegram from the president of Mt. Pleasant Rotary Club, protesting against enactment of any additional tax measures.

Senator Fairchild offered a telegram, signed by president, Palestine Retail Merchants' Association and W. A. Pfaff, secretary of Palestine Business League, urging reduction of appropriations made at Second Called Session, and protesting against any further tax measures.

Senator Bledsoe sent up and had read a telegram, signed E. L. Dohoney, superintendent school board, Vernon, urging that no cut be made in appropriation bills passed at Called Session, and that additional revenue be obtained by taxation.

Lieutenant Governor T. W. Davidson had read a telegram from Winona School Board, urging sufficient tax legislation to care for appropriation bills.

Senator Cousins sent up for consideration a telegram signed by mayor of Beaumont, opposing enactment of any tax measures.

FIFTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, May 24, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Davis.	Murphy.
Doyle.	Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Excused.

Senator Doyle for today and until Monday, on account of important business, on motion of Senator Bailey.

Senator Wirtz for today and tomorrow, on account of important business, on motion of Senator Bailey.

Senator Davis for today, on account of important business, on motion of Senator McMillin.

Bill on First Reading.

The following bill, introduced today, was read first time and referred to appropriate committee as follows:

By Senator Darwin:

S. B. No. 15, A bill to be entitled "An Act making an appropriation to carry into effect the provisions of Chapter 41, General Laws of the First Called Session of the Thirty-seventh Legislature, and declaring an emergency."

To the Committee on Finance.

S. R. No. 10.

By Senator Darwin:

Whereas, The Senate of Texas is informed that descendants of General Sam Houston are in possession of his papers and letters of great historical value relating to the great enduring service rendered by General Houston to Texas and the Nation; therefore, be it

Resolved, By the Senate of Texas, that General Andrew Jackson Houston, surviving son, Mrs. Nellie Bringhurst, surviving daughter, and Franklin Williams, surviving grandson of General Sam Houston, be and are invited as a committee representing the heirs and descendants of this illustrious ancestor to confer with a committee composed of two Senators, to be appointed by the presiding officer of the Senate, and two professors from the Department of History of